



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS, ENERGY AND ENVIRONMENT
110 ARMY PENTAGON
WASHINGTON DC 20310-0110

26 SEP 2013

Reggie Cheatham
Director
Facilities Restoration and Reuse Office
Office of Solid Waste and Emergency Response
United States Environmental Protection Agency
Washington, DC 20460

Dear Mr. Cheatham:

This letter responds to your letter of 28 August 2013 requesting the Department of Defense (DoD) reconsider the extent of its participation in conducting response actions to address certain material currently stored at Camp Minden, Louisiana. As you are aware, this material, primarily M6 propellant, is the property of Explo Systems, Inc. (Explo), which leased State facilities from the Louisiana National Guard (LANG), acting as a State entity, for its operations. This and other material is the subject of legal proceedings between the State of Louisiana and Explo concerning its disposition. It is DoD's understanding that the State and Explo have reached an agreement, approved by the bankruptcy court, that will allow the State to take possession of the materials Explo has stored at Camp Minden.

In responses (enclosed) on behalf of the Secretary of Defense to requests for assistance from The Adjutant General and the Governor of Louisiana, the Secretary of the Army advised the State of Louisiana of the reasons DoD could not provide the specific support they had requested.

The Secretary offered technical assistance to the LANG and the Louisiana State Police (LASP), including advice on the potential explosive safety hazards associated with Explo's materials at Camp Minden and actions that might be taken to mitigate such hazards. The Secretary specifically indicated the Army did not have authority to direct Explo or any other party to take or refrain from taking action with regard to Explo's materials or operations, or to assume responsibility on behalf of DoD for this or other materials located at Camp Minden.

Pursuant to this authorization and the State's subsequent request for technical assistance, teams comprised of Army and DoD explosive safety experts conducted two technical assistance visits (TAV) to Camp Minden on two occasions in April and May 2013. These teams offered recommendations to the State in two TAV reports based on the conditions of the material they observed at Camp Minden during these visits. Based on information provided by the State, DoD understands that the State implemented these recommendations to ensure the materials owned by Explo and other commercial firms and stored at Camp Minden are in a storage configuration that is consistent with DoD's explosives safety criteria. Those criteria are protective of the public and public

assets. As such, the materials do not appear to present an imminent threat. The two TAV reports speak for themselves as to the finding and recommendations concerning the condition of the Explo materials at Camp Minden.

The Army continues to provide technical assistance within the authority the Secretary of the Army provided. The Army has developed a plan that LANG might adapt to establish a propellant stability program for the M6 propellant Explo has stored at Camp Minden. If implemented and maintained, such a program should provide LANG a better understanding of the propellant's stability, allowing the propellant to be managed in a manner that supports its continued storage and/or transport until the loss of propellant stability necessitates the destruction of specific lots.

My point of contact for this matter is Mr. J. C. King, Director for Munitions and Chemical Matters at (703) 697-5564; james.c.king4.civ@mail.mil.

Sincerely,



Hershell E. Wolfe

Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)

Enclosures

cc:

Mr. David J. Kling, Director, Federal Facilities Enforcement Office

Ms. Maureen Sullivan, Director, Environment, Safety and Occupational Health



SECRETARY OF THE ARMY
WASHINGTON
APR 05 2013

FILE COPY

The Honorable Bobby Jindal
Governor of the State of Louisiana
Post Office Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Jindal:

Secretary of Defense Chuck Hagel asked me to respond on his behalf to your February 5, 2013 letter concerning the possible transport and storage of propellant known as "M-6," which is currently located at Camp Minden, Louisiana. Your letter states this propellant is the property of a company known as Explo Systems, Inc. (Explo), which has a lease with the Louisiana National Guard to use certain portions of Camp Minden for its operations.

The Department of Defense (DoD) has neither the authority nor funds available to seize Explo's private property (i.e., the propellant located at Camp Minden) and assume responsibility for its transportation elsewhere for storage, treatment or disposal. 10 USC § 2692 generally prohibits DoD from allowing the storage, treatment or disposal of any hazardous materials not owned by DoD on any military installation, except under limited exceptions established in that statute. I have been authorized to inform you that the information in your letter, and otherwise available to DoD, indicates that storage, treatment or disposal of Explo's materials on a DoD installation would not meet the criteria for any of the statutory exceptions to the Section 2692 prohibition. Additionally, DoD does not have an installation with the environmental operating permits that would be required to allow for the receipt and treatment of privately owned hazardous waste transported from another location.

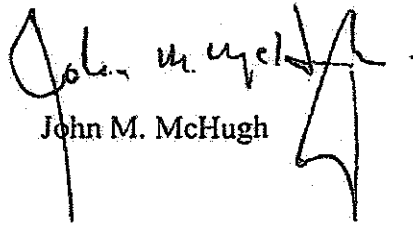
At the request of The Adjutant General, State of Louisiana's Army National Guard, a team of technical experts from the DoD Explosives Safety Board (DDESB) and the U.S. Army Technical Center for Explosives Safety arrived at Camp Minden on April 3, 2013, to assist the LAARNG in evaluating the amount of propellant Explo has in storage and its condition. These technical experts will be able to offer advice on potential explosive safety hazards associated with the materials and actions that might be taken to mitigate safety hazards that are identified. This team will not have authority to direct Explo or any other party to take or refrain from taking action with regard to Explo's propellant or operations, or to assume responsibility on behalf of DoD for this propellant. The team's technical expertise may be helpful to you and other State officials, or Explo, in deciding how to proceed. The point of contact for this team is Colonel Leo Bradley, Army Military Representative, DDESB, (571) 372-6765 or email

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leo.e.bradley.mil@mail.mil. For additional information regarding this action please contact Mr. J. C. King, Army DDESB Voting Member, (703) 697-5564, email jc.king@us.army.mil.

I hope the technical assistance DoD is able to provide to the State will help in resolving your concerns with the explosives stored at Camp Minden. Thank you for your support for our Soldiers and their Families in Louisiana.

Sincerely,


John M. McHugh



**SECRETARY OF THE ARMY
WASHINGTON**

MAR 12 2013

**Major General Glenn H. Curtis
The Adjutant General
Louisiana National Guard
6400 St. Claude Avenue
Jackson Barracks
New Orleans, LA 70117**

Dear General Curtis:

The Secretary of Defense asked me to respond on his behalf to your February 5, 2013 letter concerning the possible transport and storage of propellant known as "M-6," which is currently located at Camp Minden, Louisiana. Your letter states this propellant is the property of a company known as Explo Systems, Inc. (Explo), which has a lease with the Louisiana National Guard to use certain portions of Camp Minden for its operations.

Regrettably, the Department of Defense (DoD) has neither the authority nor funds available to seize Explo's private property (i.e., the propellant located at Camp Minden) and assume responsibility for its transportation elsewhere for storage, treatment or disposal. 10 USC § 2692 generally prohibits DoD from allowing the storage, treatment or disposal of any hazardous materials not owned by DoD on any military installation, except under limited exceptions established in that statute. I have been authorized to inform you that the information in your letter and otherwise available to DoD indicates that storage, treatment or disposal of Explo's materials on a DoD installation would not meet the criteria for any of the statutory exceptions to the Section 2692 prohibition. Additionally, DoD does not have an installation with the environmental operating permits that would be required to allow for the receipt and treatment of privately owned hazardous waste transported from another location.

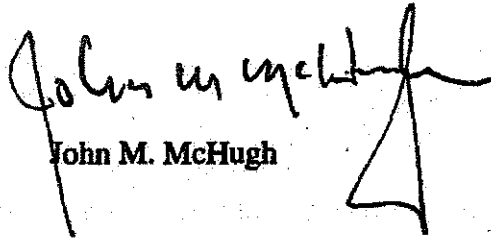
Should you believe it beneficial, DoD will arrange for a team of technical experts from the DoD Explosives Safety Board (DDESB) and the U.S. Army Technical Center for Explosives Safety to visit Camp Minden to assist in evaluating the amount of propellant Explo has in storage and its condition. These technical experts would be able to offer advice on potential explosive safety hazards associated with the materials and actions that might be taken to mitigate safety hazards that are identified. This team would not have authority to direct Explo or any other party to take or refrain from taking action with regard to Explo's propellant or operations, or to assume responsibility on behalf of DoD for this propellant. The team's technical expertise may be helpful to you and other State officials, or Explo, in deciding how to proceed. The point of contact for this team is Colonel Leo Bradley, Army Military Representative, DDESB, phone number

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571-372-6765 or email leo.e.bradley.mil@mail.mil. For additional information regarding this action please contact Mr. JC King, Army DDESB Voting Member, phone number (703) 697-5564, email jc.king@us.army.mil.

I regret that we cannot be of more assistance in this matter. Thank you for all you do for our National Guard Soldiers and Families in Louisiana and for your dedicated service to our Nation.

Sincerely,


John M. McHugh